

2nd Sub. H.B. 218 REPORTING REQUIREMENT AMENDMENTS

Representative **Brian S. King** proposes the following amendments:

1. *Page , Line 88 through Page 4, Line 96:*

88 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound
89 to maintain the confidentiality of that confession: ~~or~~

90 (b) an attorney, or an individual employed by the attorney, if knowledge of the
91 suspected abuse, neglect, or exploitation of a vulnerable adult arises from the representation of
92 a client, unless the attorney is permitted to reveal the suspected abuse, neglect, or exploitation
93 of the vulnerable adult to prevent reasonably certain death or substantial bodily harm in
94 accordance with Utah Rules of Professional Conduct, Rule 1.6 ~~{or}~~ ~~÷~~

95 ~~{(c) an individual who reasonably believes that reporting the suspected abuse, neglect,~~
96 ~~or exploitation of the vulnerable adult places the individual, or another individual, in danger.}~~

2. *Page 5, Lines 131 through 144:*

131 (8)(a) An individual is guilty of a class B misdemeanor if the individual willfully fails
132 to report suspected abuse, neglect, or exploitation of a vulnerable adult to Adult Protective
133 Services, or to the nearest peace officer or law enforcement agency under Subsection (1).

~~(b) It is an affirmative defense to a violation of Subsection (8)(a) that the individual reasonably~~
~~believed that reporting suspected abuse, neglect, or exploitation of a vulnerable adult placed the~~
~~individual, or another individual, in danger.~~

134 ~~(b)}~~ ~~(c)~~ If an individual is convicted under Subsection (8)(a), the court may order the
135 individual, in addition to any other sentence the court imposes, to:

136 (i) complete community service hours; or

137 (ii) complete a program on preventing abuse, neglect, and exploitation of vulnerable
138 adults.

139 ~~(c)}~~ ~~(d)~~ Notwithstanding any contrary provision of law, a prosecuting attorney may not use
140 an individual's violation of Subsection (8)(a) as the basis for charging the individual with
141 another offense.

142 ~~(d)}~~ ~~(e)~~ A prosecution for failure to report under Subsection (8)(a) shall be commenced
143 within four years from the date that the individual had knowledge of the offense and willfully
144 failed to report.

3. *Page 7, Lines 188 through 196:*

188 ~~(b)~~ (ii) the member of the clergy is, under canon law or church doctrine or practice,

189 bound to maintain the confidentiality of that confession[-]; or
190 (b) an attorney, or an individual employed by the attorney, if the knowledge or belief of
191 the suspected abuse or neglect of a child arises from the representation of a client, unless the
192 attorney is permitted to reveal the suspected abuse or neglect of the child to prevent reasonably
193 certain death or substantial bodily harm in accordance with Utah Rules of Professional
194 Conduct, Rule 1.6 {~~or~~} or
195 ~~{(c) an individual who reasonably believes that reporting the suspected abuse or neglect~~
196 ~~of the child places the individual, or another individual, in danger.}~~

4. Page 9, Line 263 through Page 10, Line 275:

263 (2) (a) An individual is guilty of a class B misdemeanor if the individual willfully fails
264 to report the suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency in
265 accordance with this part.

= **(b) It is an affirmative defense to a violation of Subsection (2)(a) that the individual reasonably believed that reporting suspected abuse or neglect of a child placed the individual, or another individual, in danger.** =

266 ~~{(b)}~~ (c) If an individual is convicted under Subsection (2)(a), the court may order the
267 individual, in addition to any other sentence the court imposes, to:

268 (i) complete community service hours; or

269 (ii) complete a program on preventing abuse and neglect of children.

270 ~~{(c)}~~ (d) Notwithstanding any contrary provision of law, a prosecuting attorney may not use
271 an individual's violation of Subsection (2)(a) as the basis for charging the individual with
272 another offense.

273 ~~{(d)}~~ (e) A prosecution for failure to report under Subsection (2)(a) shall be commenced
274 within four years from the date that the individual had knowledge of the offense and willfully
275 failed to report.